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TO RUEHC/SECSTATE WASHDC PRIORITY 7766
INFO RUEHBY/AMEMBASSY CANBERRA 2199
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RUEHGV/USMISSION GENEVA 1434
RUCNDT/USMISSION USUN NEW YORK 0987

UNCLAS KUALA LUMPUR 001932

SIPDIS

SENSITIVE
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E.O. 12958: N/A

TAGS: [PHUM PREL](#) [KTIA UN MY](#)

SUBJECT: MALAYSIA SUPPORTS DRAFT UN DECLARATION ON RIGHTS
OF INDIGENOUS PERSONS

REF: A. STATE 169257

[1](#)B. KUALA LUMPUR 929
[1](#)C. STATE 78740

[1](#)1. (SBU) On October 13, New Zealand Deputy High Commissioner Felicity Bloor, joined by New Zealand emboff, the human rights officer from the Australian High Commission, and poloff, delivered ref A demarche and accompanying documents to Astanah Banu, Principal Assistant Secretary in the MFA's multilateral political affairs division. As directed in ref A, NZ took the lead in delivering the demarche. Banu said Malaysia's position had firmed somewhat on the DRIP since our last tripartite demarche in May 2006 (ref B). She said the GOM has decided to support the Chair of the Working Group's text with regard to the UN Declaration on the Rights of Indigenous Peoples (DRIP). Banu stated she would pass our concerns about the DRIP to the Malaysian delegations in New York and Geneva, and inform them of our unwillingness to support its current form.

[1](#)2. (SBU) While explaining Malaysia's support for the DRIP, Banu said the GOM interprets the indigenous persons referenced in the DRIP to include all of Malaysia's "bumiputeras" (ethnic Malays and indigenous persons in Malaysia that together account for over 60% of the country's population). Under that broad definition, Banu said, "Most (DRIP) provisions aren't a problem for us within our national context." Bloor pointed out to Banu that the UN's efforts to protect the rights of indigenous persons were focused more on marginalized minority communities than on protecting the rights of powerful majority populations like Malaysia's ethnic Malays. Bloor highlighted this as an example of the importance of agreeing upon an explicit definition of indigenous persons in the DRIP. Banu said Malaysia "would certainly engage in discussions on the issue," if it ever came up for debate in the UNGA.

[1](#)3. (SBU) Banu questioned why some European countries support the DRIP. We explained that many European countries may not assign great importance to the DRIP, as they have few or no indigenous peoples, compared with the significant indigenous populations in our three countries. She stated Malaysia was "disappointed with the manner in which the DRIP text was drafted." She said the initial DRIP text was negotiated and drafted among a small group of "wrong countries that didn't reflect the broader views" of UN members. She said this was a major contributing factor to the DRIP's "drawn out" adoption process. Banu said Malaysia's attorney general had reviewed the DRIP and identified no major legal concerns. "And anyway," she said, "it is a declaration and not a convention. It is not a legally binding document." When asked whether Malaysia could potentially support any of the

DRIP criticisms raised in our demarche, Banu suggested that "some countries might be willing to support a 2-3 year delay" in the DRIP adoption vote, in order to allow "fuller discussions" of the DRIP. She advised, "You can't keep it (a proposal to delay the DRIP) open-ended, as that would be viewed as a delaying tactic." We said we would pass her views to our colleagues working on the issue in New York and Geneva.

SHEAR